

# FINAL SCOPING SUMMARY REPORT

## **Kane Springs Valley Groundwater Development Project Environmental Impact Statement**

Prepared for

**U.S. Department of the Interior  
Bureau of Land Management  
Nevada State Office**

Prepared by

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**September 2006**





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## EXECUTIVE SUMMARY

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The U.S. Department of the Interior, Bureau of Land Management (BLM), Nevada State Office, is preparing an Environmental Impact Statement (EIS) for a right-of-way application submitted by the Lincoln County Water District (LCWD or Applicant) to construct and operate a system of regional water facilities known as the Kane Springs Valley (KSV) Groundwater Development Project (Project). The EIS will consider the environmental impacts associated with granting of rights-of-way across public land for the purposes of construction and operation of the proposed facilities (Proposed Action). The BLM will use the EIS in rendering a decision whether to grant the requested rights-of-way. BLM's action is to either grant or deny the request for rights-of-way through public land administered by the BLM. If granted, the right-of-way would authorize LCWD to construct infrastructure required to utilize groundwater resources approved for use by the Nevada State Engineer and located in Lincoln County to help meet anticipated future water needs in southern Lincoln County. This Scoping Summary Report includes a description of the scoping process and a summary of the comments submitted by the public.

The primary purpose of scoping is to aide in the identification of significant issues related to a federal action; in this case - approval or denial of the right-of way application submitted by the LCWD. The Council on Environmental Quality (CEQ) and National Environmental Policy Act (NEPA) regulations defines scoping as “an early and open process for determining the issues to be addressed in an EIS and for identifying the significant issues related to the proposed action” (Title 40 Code of Federal Regulations [CFR] Part 1501.7). The objective of the scoping process is to coordinate with affected federal, state, and local agencies, affected American Indian tribes, and the public, and determine the scope of the project, including the range of actions, alternatives, and impacts to be considered in an EIS.

The Notice of Intent (NOI) published in the *Federal Register* (Volume 71. No. 62) on March 31, 2006, formally announced that the BLM Nevada State Office was preparing an EIS for the Proposed Action. Although the official scoping period ended on May 1, 2006, the BLM will consider issues brought forward any time during the EIS process; however, only comments submitted during and shortly after the scoping period are summarized in this report.

The BLM distributed press releases announcing the dates, locations and times of scoping meetings to local and regional print and broadcast media. The press release was sent to newspapers, as well as radio and television stations for airing of public service announcements. Paid legal notices indicating the dates, locations and times of scoping meetings were published in the local newspapers serving the Reno, Las Vegas, Baker, Caliente, and Mesquite, Nevada areas.

The BLM held concurrent scoping meetings for both the proposed KSV Project and the Lincoln County Land Act Groundwater Development and Utility Right-of-Way Project (LCLA Project). The BLM is preparing a separate EIS for the LCLA Project in response to a right-of-way application submitted by the LCWD for groundwater development in the Tule Desert and Clover Mountain hydrographic basins. Scoping meetings were held in Caliente, Nevada on April 11, 2006; Alamo, Nevada on April 11, 2006; Mesquite, Nevada on April 12, 2006; Las Vegas, Nevada on April 13, 2006; and Reno, Nevada on April 17, 2006. Meetings were held from 7:00 p.m. to 9:00 p.m. at each location. A sixth scoping meeting was added in Baker, Nevada on April 18, 2006 at

the request of area residents. This meeting was held from 4:00 p.m. to 8:00 p.m. These scoping meetings provided an opportunity for the public to learn about both projects and to provide comments.

During the public scoping period, a total of 95 responses, containing 228 comments were received. However, not all comments dealt with the scope of issues to be considered in the EIS. A response is defined as one completed comment form, email, fax, letter, or website submittal. Because some responses had more than one comment, the total number of comments received is greater than the number of respondents, or individuals who submitted comments. Of the 95 responses, 15 included comments specific to the proposed KSV Project, 35 addressed concerns or issues for both the proposed KSV Project and the proposed LCLA Project, and 45 responses were requests to be kept informed of both projects. A summary of scoping comments received during the public scoping period is provided in **Appendix A**.

Based on the issues and recommendations identified during the scoping process, as well as guidance from NEPA, three general categories were identified: NEPA Process; Impacts to Social Resources; and Impacts to Physical Resources. Sub-categories to be considered in the evaluation of the Proposed Action and alternatives are listed below.

**NEPA Process** – Eight-six comments were received specific to the NEPA process. To the fullest extent possible, federal agencies, including the BLM, “*are required to work according to the policies set forth in NEPA and its implementing regulations.*” The EIS must be legally defensible and meet the requirements of all applicable laws and regulations. The EIS will follow the requirements of NEPA, Administrative Procedures Act, CEQ regulations [40 CFR 1500 – 1508], Departmental Manual Part 516 DM 2 and DM6, Appendix 5, and BLM standards outlined in the BLM Handbook H-1790-1.

**Social Resources** – Fifty-one comments were received specific to concerns about impacts from the Proposed Action or alternatives on the human or built environment. Scoping comments were provided on the following resources: 1) Aesthetics (Including Visual Resources and Noise); 2) Cultural Resources (Including Paleontology); 3) Land Use (Including Transportation, Areas of Critical Environmental Concern, Wilderness Areas, and Other Special Use Areas); 4) Recreation; 5) Socioeconomic Resources; 6) Public Health and Safety; and 7) Environmental Justice.

**Physical Resources** – Ninety comments were received specific to concerns about impacts from the Proposed Action or alternatives to components of the physical environment. Scoping comments were provided on the following resources: 1) Air Quality and Climate; 2) Biological Resources (Including Endangered, Threatened, Proposed and Candidate Species, Fisheries, Migratory Birds, Range Resources, Vegetation, Noxious Weeds, Wetlands/Riparian Habitat, and Wild Horses and Burros); 3) Geology, Soils, and Minerals; and 4) Water Resources.

## **SUMMARY OF FUTURE STEPS**

The next formal comment period will open when the Draft EIS is published. The availability of the Draft EIS will be announced by publication of a notice in the *Federal Register*, as well as other media, such as local print and broadcast media. In addition, the BLM will circulate a notice of the Draft EIS to interested parties included in the project mailing list. Following the release of the

Draft EIS, there will be a 60-day public comment period and additional public meetings to receive comments on the Draft EIS.

Following the comment period, the Final EIS would be prepared. The Final EIS would consider and incorporate any other comments received during the review period. The availability of the Final EIS will be announced by publication of a notice in the *Federal Register*, at which time a 30-day public review period will commence. The final opportunity for public comment on the EIS will be this 30-day public review period. No sooner than 30 days after publication of the Final EIS, the Secretary of the Interior will issue a Record of Decision (ROD). The ROD would explain all factors, including environmental impacts that the BLM considered in reaching its decision. The ROD will also identify the environmentally preferred alternative, or alternatives. If mitigation measures, monitoring, or other conditions are adopted as part of the BLM's decision, these would be summarized in the ROD, as applicable.

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## 1.0 INTRODUCTION

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The LCWD has applied to the BLM for issuance of a right-of-way to construct and operate a system of regional water facilities known as the Kane Springs Valley Groundwater Development Project (KSV Project). The Proposed Action is the construction and operation of the proposed groundwater facilities. The Nevada State Office of the BLM is the lead federal agency for the Environmental Impact Statement (EIS), and will direct preparation of the EIS in compliance with the National Environmental Policy Act (NEPA). The BLM Nevada State Office has been designated by the Nevada BLM State Director and the Ely Field Manager as the Lead for the Project.

The EIS for the Proposed Action will consider the environmental impacts associated with granting of rights-of-way across public land for the purposes of construction and operation of the proposed facilities. The BLM will use the EIS in rendering a final decision whether to grant rights-of-way requested by LCWD. If granted, the right-of-way would authorize LCWD to construct infrastructure required to pump and convey groundwater resources approved for pumping by the Nevada State Engineer and located in Lincoln County to help meet anticipated future water needs in southern Lincoln County.

### 1.1 Proposed Project

The LCWD has submitted applications to the Nevada State Engineer to appropriate groundwater in the Kane Springs Valley hydrographic basin in Lincoln County, Nevada. The LCWD is proposing to develop groundwater resources in the Kane Springs Valley hydrographic basin for beneficial use within the Coyote Springs Investment (CSI) development area in southern Lincoln County. The CSI development area is a proposed master planned community with up to 150,000 dwelling units and encompassing roughly 42,800 acres of fee and leased land in Clark and Lincoln Counties. Project components (pipeline, wells, access roads, etc.) for the Proposed Action would primarily be located in a 20-foot wide permanent easement adjacent to Kane Springs Road, an unpaved gravel road located east off of Highway 93.

Production facilities for the Proposed Action would consist of up to seven production water wells located within or immediately adjacent to the utility corridor established by the Lincoln County Conservation, Recreation and Development Act of 2004 (Public Act 108-424). Collectively, the wells would pump up to 5,000 acre feet of groundwater per year. Preliminary engineering design indicates a system of lateral buried pipelines up to 12-inches in diameter to connect the production wells to the water-transmission pipeline. A buried water-transmission pipeline up to 24-inches in diameter located within or immediately adjacent to the utility corridor established by the Lincoln County Conservation, Recreation and Development Act of 2004 would connect the well field to the Coyote Springs development (the termination point will be determined subsequent to final design and engineering studies and final design will determine the actual pipeline diameters). Overall distance would be approximately 13.2 miles. Associated ancillary facilities would include distribution power lines and communication lines to be placed in the easement to provide power and communication for the project facilities. Access roads would be needed from the Kane Springs Road for vehicle access to each well site.

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## 2.0 PUBLIC PARTICIPATION PROCESS

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The process the BLM will use to determine whether the application for rights-of-way should be granted is comprehensive and includes compliance with the requirements of NEPA and CEQ regulations, BLM planning regulations, manuals and handbooks, and applicable policy documents. This includes the recent CEQ memorandum to the heads of federal agencies on the subject of “Cooperating Agencies in Implementing the Procedural Requirements for NEPA,” to ensure federal agencies actively engage state, local, and other federal agencies in preparation of NEPA analyses and documentation.

NEPA is a procedural act designed to ensure that the environmental consequences of major federal decisions are known and available to the public and public officials before decisions are made and actions are undertaken. Public participation is a requirement of the environmental review process. It provides a means to inform the public about activities that involve a federal action and solicit their concerns and issues regarding the proposed action. The BLM will use the concerns and issues identified through public participation to assist with the development of the scope, content, and alternatives analysis for the EIS for the Proposed Action. Throughout the NEPA process, the public participation effort will focus on gathering input and dispersing information about the following key areas:

- The purpose and need for the Proposed Action and related goals and objectives.
- The potential set of reasonable alternative actions, including the No Action alternative.
- Methodologies that will be used to assess impacts.
- Potential impacts and associated mitigation

### 2.1 Public Scoping Outreach Activities

Public scoping outreach activities included publication of the Notice of Intent (NOI) in the *Federal Register*, direct mailings, media releases to print and broadcast media, paid advertisements announcing public scoping meetings, publication of the project information on the BLM web site, and public scoping meetings. These activities are described in the following sections.

#### 2.1.1 Notice of Intent

A *Federal Register* NOI to prepare an EIS and initiate a 30-day scoping period was published on March 31, 2006 (Volume 71, No. 62). A copy of the NOI is included in **Appendix B**. The NOI invited the participation of the affected and interested agencies, organizations, and members of the general public in determining the scope and significant issues to be addresses and analyzed in the EIS. The official scoping period ended on May 1, 2006. Comments submitted during, and shortly thereafter the scoping period, are summarized in this report.

### 2.1.2 Media Notices

The BLM distributed press releases to local and regional newspapers, as well as radio and television stations for airing of public service announcements. A list of print and broadcast media outlets receiving the public notice, and a copy of the BLM press release is included in **Appendix C**. The *Lincoln County Record*, a weekly newspaper serving the Caliente and Alamo areas, and the *Desert Valley Times*, published twice a week, in Mesquite, Nevada printed articles announcing the public scoping meetings. A public meeting notice was published in the legal section of the *Reno Gazette Journal* and the *Las Vegas Review Journal*, both of which are daily newspapers. A display ad was also published in the *Ely Times*, a local weekly newspaper serving White Pine County, including Ely and Baker.

### 2.1.3 Direct Mailings

A public scoping notice was prepared and mailed to federal, state, and local agencies; elected officials; Native American tribes; special interest groups and organizations; and the general public on March 31, 2006. The distribution list was compiled from a list of individuals, organizations, and agencies who had expressed interest in other BLM Ely Field Office projects. There were approximately 1,725 addresses on the distribution list that were sent the scoping notice.

The notice served to inform the public about the scoping process for the preparation of the EIS and the scheduled scoping meetings. It invited the public to participate in the scoping process and to share any concerns or comments, submit information, and identify issues to be addressed during the EIS process. A copy of the public scoping notice is provided in **Appendix D**.

### 2.1.4 Project Website

The BLM Nevada State Office is hosting a website to inform the general public about the three groundwater development projects managed under the Nevada Groundwater Projects Office within the BLM Nevada State Office. In addition to the proposed KSV Project, the Nevada Groundwater Projects Office is overseeing the preparation of two other EIS's for groundwater development projects in eastern Nevada. The LCLA Project is a separate groundwater development project proposed by the LCWD to develop groundwater resources in the Tule Desert and Clover Valley hydrographic basins in Lincoln County. The BLM is preparing a separate EIS for the proposed LCLA Project in response to the right-of-way application submitted by LCWD. The Southern Nevada Water Authority has submitted right-of-way applications to develop and transport water from White Pine, Lincoln and rural Clark counties to the Las Vegas metropolitan area of Clark County, Nevada. The website, located at: <http://www.nv.blm.gov/>, is updated periodically as new information is made available. The site contains background information on all three projects, and includes project data, maps, and other information to inform the public on how to stay involved during the EIS process. The website also allows members of the public to be added to the mailing list and to submit comments and concerns throughout the EIS process.

### 2.1.5 Public Scoping Meetings

The BLM held six public scoping meetings to identify issues and concerns about the Proposed Action. Moreover, these scoping meetings provided an opportunity for the public to learn about the Proposed Action and to provide comments. Meeting locations, dates, and times are provided in **Table 2.1**. The scoping meetings for both the proposed KSV and LCLA Projects were held concurrently. A total of 72 individuals attended the public scoping meetings.

**Table 2.1**  
**Public Scoping Meetings**

<b>Location</b>	<b>Date</b>	<b>Time</b>	<b>Attendance</b>
Caliente, NV	April 10, 2006	7p.m. – 9p.m.	11
Alamo, NV	April 11, 2006	7p.m. – 9p.m.	5
Mesquite, NV	April 12, 2006	7p.m. – 9p.m.	10
Las Vegas, NV	April 13, 2006	7p.m. – 9p.m.	20
Reno, NV	April 17, 2006	7p.m. – 9p.m.	17
Baker, NV	April 18, 2006	4p.m. – 8p.m.	9
<b>Total</b>			<b>72</b>
These counts reflect only those attendees that elected to sign in at the door. A few attendees elected not to sign in.			

Representatives from the BLM, LCWD, Vidler Water Company (which provides project financing and technical expertise to LCWD), and Greystone /ARCADIS (BLM EIS consultant) were available to answer questions about both the KSV and LCLA Projects. The public scoping meetings were held using an open house format to allow for an informal one-on-one exchange of information. Attendance at each public scoping meeting was recorded using a sign-in sheet at the registration station at each meeting location. A scoping package containing the public scoping notice, comment form, and an 8 ½ x 11 color map of the project area was provided to each attendee (**Appendix D**).

Informational display posters illustrating the Applicants' proposed pipeline corridor, project specifications, and the NEPA process, were placed around the room for viewing. The attendees were encouraged to review the informational displays, ask questions, and make comments. Recommendations and concerns raised during informal discussions were recorded on flip charts and later entered into the comments database. A summary of comments received during the public scoping process is included in **Appendix A**.

## **2.2 Agency Coordination**

During the EIS process, ongoing agency consultation efforts will occur related to environmental and archaeological resources or historic properties potentially affected by the Proposed Action. As resources are identified, various federal, state, and local agencies, including Native American tribes will be consulted to assist in characterizing the sensitivity of resources to project activities as well as to aid in determining mitigation measures to ensure that effects on resources are minimized. The following sections discuss current consultation efforts.

### **2.2.1 Cooperating Agencies**

The Moapa Valley Water District, National Park Service – Lake Mead National Recreational Area, Nevada Department of Wildlife, Nevada Department of Conservation and Natural Resources, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S Geological Survey (USGS), and the Virgin Valley Water District were invited to participate as cooperating agencies in preparation of

the EIS for the Proposed Action. The Moapa Valley Water District, Nevada Department of Wildlife, and USFWS have agreed to participate as cooperating agencies; the Virgin Valley Water District is reviewing the invitation. The USGS, U.S. Army Corps of Engineers and the National Park Service have declined cooperating agency status. The USGS noted that they will continue to provide science support to the BLM, "...when [their] data and scientific expertise have relevance to the proposed action undergoing NEPA process. Such assistance could include attending or making presentations at scoping and technical meetings, and conducting species studies and data collection projects." No response was received from the Nevada Department of Conservation and Natural Resources.

A cooperating agency assists the lead federal agency (i.e. BLM) in developing the EIS. The President's CEQ regulations (40 CFR Parts 1500-1508) implementing NEPA defines a cooperating agency as any agency that has jurisdiction by law or special expertise with respect to any environmental issue that should be addressed in the EIS. Any federal, state, tribal or local government agency with such qualifications may become a cooperating agency by agreement with the lead agency. The benefits of a cooperating agency status include disclosure of relevant information early in the analytical process, receipt of technical expertise and staff support, avoidance of duplication with state, tribal and local procedures, and establishment of a mechanism of addressing intergovernmental issues.

### **2.2.2 U.S. Fish and Wildlife Service Consultation**

To comply with section 7(c) of the Endangered Species Act (ESA) of 1973, BLM initiated consultation with the USFWS as part of the EIS process. Representatives from the BLM, LCWD, Vidler Water Company and the EIS Consultants met with representatives from the USFWS on April 17, 2006. The intent of the meeting was to provide the USFWS with an overview of the proposed KSV Project and to understand areas of interest and issues the USFWS and BLM may have regarding the Proposed Action and alternatives. The USFWS provided a species list dated May 10, 2006 (Service File No. 1-5-06-SP-500) to the BLM in accordance with section 7 of the ESA. In that correspondence, the USFWS listed the threatened, endangered, and candidate species, as well as designated critical habitat that may occur within or near the project area. On May 18, 2006, the USFWS submitted public scoping comments based on the information provided in the scoping document, and how it pertains to their conservation responsibilities and management of trust resources, including threatened and endangered species, designated critical habitat, migratory birds, and other rare and sensitive species.

The BLM will continue to coordinate with the USFWS and other agencies and organizations involved in other planning efforts in the area to ensure the Proposed Action and alternatives does not conflict with future conservation measures or actions under development, including the Southeastern Lincoln County Habitat Conservation Plan, the Coyote Springs Investment Habitat Conservation Plan, and the Virgin River Habitat Conservation and Recovery Program.

### **2.2.3 Native American Consultation**

In recognition of the relationship of American Indian tribes with the U.S. Government, agencies are to consult with tribal governments at an official government-to-government level. The BLM submitted tribal consultation letters on May 12, 2006 to representatives of eight Native American

tribes informing them of the Proposed Action and requesting their input on potential impacts on culturally significant areas. Native American tribes contacted include the Moapa Band of Paiutes, Las Vegas Paiutes, Ely Shoshone Tribe, Paiute Indian Tribe of Utah, Yomba Shoshone Tribe, Duckwater Shoshone Tribe, Kaibab-Paiute Tribe, and the Shoshone-Paiute Business Council.

The tribes were also invited to participate in a Tribal Coordination meeting on May 18, 2006 in Ely, Nevada to discuss the Proposed Action with representatives from the BLM, LCWD, and the EIS consultant. Representatives from the Ely Shoshone and the Duckwater Shoshone tribes attended. The purpose of the meeting was to present information regarding the Proposed Action and gather comments focusing on traditional cultural issues as they relate to the proposed federal action. A question and answer session followed the presentation. Tribal representatives were encouraged to provide their input by providing oral or written comments. No comments were received during the Tribal Coordination meeting; however, the BLM will continue consultation with the tribes throughout the EIS process.

#### **2.2.4 Nevada State Historic Preservation Office**

Federal agencies responsible for planning and implementing undertakings must consult with the appropriate State Historic Preservation Office and other interested parties to determine if the undertaking would affect historic properties, and consider measures to avoid, reduce or mitigate any identified adverse effects. Section 106 consultation required by the National Historic Preservation Act and its implementing regulations (36 CFR 800), and Executive Order 11593 (May 13, 1971) provides direction for protection of cultural resources by federal agencies. The BLM will initiate formal consultation with the Nevada SHPO in accordance with the Nevada BLM Protocol Agreement with the Nevada SHPO.

### **2.3 Interdisciplinary Team**

An Interdisciplinary (ID) Team has been formed to assist in evaluating the environmental issues to be addressed in the EIS. The ID Team composed of resource specialists from various BLM field offices, representatives from cooperating agencies, the Applicants consultants, and the EIS consultant team, will use an interdisciplinary approach in identifying the environmental issues related to the Proposed Action, develop alternatives to be analyzed, and collaborate on key issues to be analyzed in the EIS.

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### 3.0 SCOPING COMMENT ANALYSIS

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A total of 95 responses, containing 228 comments were received. Comments were reviewed, documented, and entered into a database to facilitate organization, sorting, analytical review, and management of comments into topic categories. Each comment document received a unique identification number to track the document throughout the comment analysis process. To identify each comment within the comment document, the body of the text was enumerated to easily identify where the comment was extracted from the document.

Comments were categorized by the driving topic unless the associated topics were of equal importance to the issue being presented, in which case the comment was placed under both comment categories. The comments were further sorted into broader summaries to develop a framework of issue topics to be addressed in the EIS. Individual comments were categorized by primary topic, regardless of the position of the comment towards the topic. The primary issue topics include the NEPA Process (e.g. scoping, consultation, etc.), Social Resources, and Physical Resources.

A summary of comments received during the scoping period is provided in **Appendix A**. The comments are largely reproduced verbatim; however, for efficiency and ease of analysis, some of the comments have been paraphrased or summarized. In all cases, every effort was made to retain the original nature and intent of each comment. While some comments are outside of the scope of this EIS, all comments received during the scoping process are listed equally regardless of applicability or relevance to the Proposed Action or the EIS process. However, only issues or concerns represented in those comments that can be applied directly to preparation of the EIS will be further analyzed. For example, many respondents provided personal statements of opinion or conjecture on the value (negative or positive) of groundwater development; only the issue areas they raised in conjunction with their views are presented.

The following governmental and non-governmental organizations submitted written comments.

#### **Federal Agencies**

- U.S. Bureau of Indian Affairs
- U.S. Environmental Protection Agency, Region IX
- U.S. Fish and Wildlife Service
- U.S. National Park Service, Lake Mead National Recreation Area

#### **State or Local Governmental Agencies**

- Nevada Department of Agriculture
- Nevada Department of Wildlife
- Nevada Division of State Lands
- Nevada State Historic Preservation Office
- Nevada System of Higher Education

### **Organizations / Businesses**

- Earth Justice
- Nevada Farm Bureau
- Lund Irrigation and Water Company
- Great Basin Water Network
- Irlbeck & Turner Ranches
- National Pony Express – Nevada Division
- Nature Conservancy of Nevada
- Partnership for the West
- Round Mountain Gold Corporation
- Snake Valley Citizens Alliance
- Southwest Center for Biological Diversity
- Toiyabe Chapter of the Sierra Club
- Western Environmental Law Center

## **3.1 Significant Issues to Be Considered in the EIS**

The extent to which public scoping comments will be addressed in the EIS is dependent on several factors. They include, but are not limited to, the following:

- The scope, specificity, or ambiguity, of the issue or comment;
- The degree of speculation that would be required to address the issue; and
- The necessity for such an analysis to facilitate the decision-making among alternatives.

The Council of Environmental Quality regulations require an analysis of impacts of a project on the “human environment.” These impacts include effects on natural, human, and cultural resources. Discussions with affected public or agencies, such as those that have occurred through this scoping effort, help to define and evaluate effects of the different alternatives on the human environment. Comments relating to environmental impacts will be considered by the BLM in developing the scope of EIS technical studies. Chapter 3 (Affected Environment) and Chapter 4 (Environmental Consequences) of the EIS will address the issues incorporated into the study. Concerns about the EIS studies and decision-making processes will be considered in refining and modifying these processes throughout the remainder of the EIS preparation.

Based on the issues and recommendations identified during the scoping process, as well as guidance from NEPA, three general categories were identified: NEPA Process; Impacts to Social Resources; and Impacts to Physical Resources. Sub-categories to be considered in the evaluation of the Proposed Action and alternatives are listed below.

**NEPA Process** – Eight-six comments were received specific to the NEPA process. To the fullest extent possible, federal agencies, including the BLM, “*are required to work according to the policies set forth in NEPA and its implementing regulations.*” The EIS must be legally defensible and meet the requirements of all applicable laws and regulations. The EIS will follow the requirements of NEPA, Administrative Procedures Act, CEQ regulations [40 CFR 1500 – 1508], Departmental Manual Part 516 DM 2 and DM6, Appendix 5, and BLM standards outlined in the BLM Handbook H-1790-1.

**Social Resources** – Fifty-one comments were received specific to concerns about impacts from the Proposed Action or alternatives on the human or built environment. Scoping comments were provided on the following resources: 1) Aesthetics (Including Visual Resources and Noise); 2) Cultural Resources (Including Paleontology); 3) Land Use (Including Transportation, Areas of Critical Environmental Concern, Wilderness Areas, and Other Special Use Areas); 4) Recreation; 5) Socioeconomic Resources; 6) Public Health and Safety; and 7) Environmental Justice.

**Physical Resources** – Ninety comments were received specific to concerns about impacts from the Proposed Action or alternatives to components of the physical environment. Scoping comments were provided on the following resources: 1) Air Quality and Climate; 2) Biological Resources (Including Endangered, Threatened, Proposed and Candidate Species, Fisheries, Migratory Birds, Range Resources, Vegetation, Noxious Weeds, Wetlands/Riparian Habitat, and Wild Horses and Burros); 3) Geology, Soils, and Minerals; and 4) Water Resources.

**Table 3.1** summarizes the number of comments on concerns or issues within each of the topic categories.

<b>Table 3.1</b>	
<b>Number of Comments in Each Topic Category</b>	
<b>Topic Category</b>	<b>Number of Comments</b>
<b>NEPA PROCESS</b>	
- Consultation and Coordination	9
- Public Involvement / Scoping Process	4
- Need for Additional Studies / Validity of Data	11
- Public Review of Data / Qualification of Technical Team	6
- Project Description / Project Study Area	10
- Methodology for Analysis	7
- Monitoring and Mitigation	7
- DEIS Format / Plain Language	6
- Alternatives	9
- Connected Actions / Cumulative Impacts	17
<b>SOCIAL RESOURCES</b>	
- Aesthetics (including Visual Resources and Noise)	5
- Cultural Resources	3
- Land Use (Including Management Areas, Recreation, and Transportation)	19
- Public Health and Safety	4
- Socioeconomic Resources	17
- Environmental Justice	3
<b>PHYSICAL RESOURCES</b>	
- Air Quality and Climate	5
- Biological Resources	
Endangered, Threatened, Proposed and Candidate Species	10
Fire Management	3
Fisheries	4
Migratory Birds	4
Noxious Weeds / Invasive Species	4
Range Resources	1
Vegetation	2
Wetlands / Riparian Habitat	4
Wildlife / Wildlife Habitat	12
Wild Horses and Burros	1

<b>Table 3.1</b>	
<b>Number of Comments in Each Topic Category</b>	
- Geology, Soils and Paleontology (including caves)	5
- Water Resources	
Water Supply and Use	19
Water Rights	5
Hydrogeological Characteristics	7
Water Rights	4

The following section describes how specific comments and key issues identified during the public scoping process will be addressed in the EIS. The proposed level of treatment in the EIS represents the first step in developing the EIS content. The BLM will further review these issues and refine them throughout the EIS process. The Draft EIS will include a rationale for the level of analysis of the various issues.

**Primary Issue: NEPA Process - Consultation and Coordination / Cooperating Agencies**

- Coordination needed between BLM and other federal, state and local agencies with jurisdiction over various aspects of the Proposed Action; specifically coordination between the States of Utah and Nevada.

**Response:** *The involvement of governments, resource agencies, the public, and other interested parties and organizations in the NEPA process is solicited via the scoping process. Local, state, and federal agencies may participate in the EIS process according to their jurisdiction and as described in NEPA as they see fit. The USFWS, NDOW, and Moapa Valley Water District have formally requested cooperating agency status for this project. Draft Memorandum of Understanding will be developed between the cooperating agencies and BLM. Consultation with Native American tribes that have cultural interests in the Project Area has been initiated by the BLM and will continue throughout the NEPA process.*

**Primary Issue: NEPA Process – Public Involvement**

- Consistency of the public involvement with NEPA requirements.

**Response:** *Public involvement is an important part of the NEPA process. Public input is sought during the scoping process by means of scoping meetings and through written comments. Public input is also requested later in the process as part of the public review and comment period for the Draft EIS. Future notification of opportunities for comment will be publicized pursuant to requirements for public review under NEPA.*

**Primary Issue: NEPA Process - Need for Additional Studies / Validity of Data**

- Requests for additional data collection and studies to understand baseline environment before project continues.
- Concerns regarding the adequacy of existing data and scientific knowledge; specifically existing water resources data.

**Response:** *The EIS will analyze impacts of the Proposed Action and alternatives based on the best available data and methods, which will be described and disclosed to the public as required by law and regulation. As part of the EIS development, the BLM will assess the sufficiency and adequacy*

*of available information to describe and analyze the baseline conditions and the impacts of different alternatives.*

**Primary Issue: NEPA Process - Public Review of Data / Technical Team Qualifications**

- EIS process integrity, including public disclosure of data and analysis used to prepare the EIS, and qualifications of the technical team and EIS preparers; potential fragmentation of data analysis.

**Response:** *The BLM is required under law to disclose all data and analysis used to prepare the EIS. The selected EIS contractor has entered into an agreement with the BLM guaranteeing that the EIS will be prepared objectively and with no financial or other interest in the outcome of the Proposed Action. BLM selected the EIS contractor from among competing proposals following a review of company and individual qualifications.*

**Primary Issue: NEPA Process - Project Description / Project Study Area**

- Fully describe project plan of development including area of impact (identify groundwater basins), pipeline and well locations, construction and operation schedules, projected water volume withdrawals, facility design, construction methods, reclamation activities, project costs (both direct and indirect), and ownership (disclose relationship between LCWD and Vidler Water Company).

**Response:** *The EIS will be prepared in accordance with NEPA regulations, and will include clear descriptions of the project purpose and need, the proposed action and alternatives, the affected environment/environmental setting, environmental consequences, and mitigation measures.*

**Primary Issue: NEPA Process - Methodology for Analysis**

- The DEIS should clearly and fully describe existing natural and economic resource conditions; and describe how the BLM will analyze the direct and indirect impacts of groundwater pumping and exportation on these existing and future resources.

**Response:** *The EIS will analyze the potential impacts of the Proposed Action and alternatives using the best available data and methods, which will be described and disclosed to the public as required by law and regulation. The data and analysis developed will commensurate with the significance of the impact.*

**Primary Issue: NEPA Process - Monitoring and Mitigation**

- Identification of all monitoring and mitigation strategies (including costs and responsible parties) that will be used to reduce or eliminate impacts to the natural and social environment from implementation of the Proposed Action or alternatives.

**Response:** *Depending on the results of the EIS impact analysis, mitigation measures, including the need for additional studies or monitoring, may be developed in the EIS.*

**Primary Issue: NEPA Process - DEIS Format / Plain Language**

- The DEIS should be clearly written, in plain language to ensure that all readers understand the intent of the document.

**Response:** *The development of the EIS will adhere to the intent of 40 CFR 1502.8, which directs that NEPA documents be written in plain language and use appropriate graphics so that decision-makers and the public can readily understand the intent of the document.*

**Primary Issue: NEPA Process – Alternatives**

- No Action alternative
- Construction of desalinization facilities in California and piped to Nevada and other western states.
- Following the pipeline alignment authorized under the Lincoln Country Conservation, Recreation, and Development Act of 2004 (Public Law 108-424).
- Alternative facility locations, construction phasing, development and pumping scenarios and management strategies in response to environmental or land management issues.

**Response:** *The BLM must consider, at a minimum, the proposed action, other reasonable alternatives, and the "no action" alternative. The Draft EIS will include feasible alternatives meeting the purpose and need for the project that represent a range of resource protections and potential environmental impacts, as required by NEPA (40 CFR 1502.14), and other laws and regulations.*

**Primary Issue: NEPA Process - Connected Actions / Cumulative Impacts**

- Determination of whether the proposed KSV Project and other proposed groundwater development projects (LCLA, SNWA projects), should be included in a Programmatic EIS.
- Evaluation of the cumulative effects of other existing and proposed groundwater development projects; energy development projects, and other projects in the regional area.

**Response:** *The BLM is required under NEPA to consider three types of actions in the EIS: connected actions, cumulative actions, and similar actions. Connected actions are those where: 1) one action automatically triggers another action, 2) an action cannot proceed unless other actions are taken previously or simultaneously, or (3) the actions are interdependent parts of a larger action and depend on the larger action for their justification. BLM undertook an analysis of the proposed KSV Project, LCLA Project, and SNWA project proposals and determined that they are not connected actions and are therefore addressed within separate EISs. The KSV Project EIS will include an analysis of cumulative effects for resources affected by the Proposed Action and selected alternatives. The analysis will consider cumulative effects of construction and operation of the proposed projects in the project area at a variety of spatial and temporal scales, depending on the resource. Resource impacts will be analyzed in sufficient detail necessary to facilitate decision-making among alternatives. Cumulative actions are actions, which, when viewed with other proposed actions, have cumulatively significant impacts. Similar actions are actions that when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography.*

**Primary Issue: Aesthetics (Including Visual Resources and Noise)**

- Modification to natural landscapes from infrastructure development (i.e. power lines and other above ground facilities).
- Growth inducing impacts, including increased residential development and traffic.

**Response:** *Wells fields, pump stations, water storage tanks related electrical distribution facilities would have a direct impact on the visual quality of an area. BLM Visual Resource Management (VRM) classes set limits to the amount of contrast that will be allowed in areas between a management activity and the existing landscape. An analysis of visual impacts and noise resulting from the Proposed Action and alternatives will be presented in the EIS.*

**Primary Issue: Cultural Resources**

- Effects of construction and water development on cultural resources, paleontological resources, and Native American sites and properties
- Identification and protection of archeological sites potentially disturbed by project construction;
- Consultation with affected Native American tribes

**Response:** *The direct and indirect effects of the Proposed Action and alternatives on cultural resources in the affected environment will be addressed in the EIS.*

**Primary Issue: Land Use**

- Project compatibility with existing land uses (i.e. recreation, grazing, agricultural use, and protected areas) and management plans.
- Effects of groundwater development and withdrawal on surface water sources and rangeland productivity.
- Effects of water development on local and regional growth.
- Effects of construction of facilities and water development on recreational opportunities and the recreational experience.

**Response:** *The direct and indirect effects of the Proposed Action and alternatives on existing and future land use in the affected environment, both private and public, will be addressed in the EIS. Existing management plans will be reviewed to determine compatibility with existing plans and actions.*

**Primary Issue: Public Health and Safety**

- Security measures from vandalism or terrorism on project components (i.e. pipeline, wells, power lines, etc.)
- Mobilization of wind-borne dust containing radioactive particles.

**Response:** *The direct and indirect effects of the Proposed Action and alternatives on public health and safety, and worker health and safety during construction, will be addressed in the EIS.*

**Primary Issue: Socioeconomic Resources**

- Effects of induced population growth (both in existing rural and urban areas), and impacts to businesses, lifestyles and values, tax base, infrastructure development, and local economies.
- Assignment of responsibility for mitigation and compensation for any irreversible impacts to groundwater quality and quantity to environmental, economic, and social resources.
- Financial costs and benefits to federal, state, and local governments from project construction and operation.

**Response:** *The direct and indirect effects of the Proposed Action and alternatives on socioeconomic resources in the affected environment will be addressed in the EIS.*

**Primary Issue: Environmental Justice**

- Disproportionate project effects on low-income and minority populations

**Response:** *By Executive Order 12898, environmental justice is considered one of the critical elements of the human environment that must be addressed in an EIS. This Executive Order was designed to focus the attention of federal agencies on the human health and environmental conditions in minority communities and low-income communities. The potential effects of the Proposed Action and alternatives on environmental justice issues will be addressed in the EIS.*

**Primary Issue: Air Quality and Climate**

- Potential reduction of air quality resulting from impacts groundwater removal on vegetation and induced growth
- Potential increases in particulate levels and mobilization of dust from construction activities.

**Response:** *The potential effects of the Proposed Action and alternatives on climate and air quality in the affected environment will be addressed in the EIS. The effects of construction and operation of the Proposed Action will be assessed in accordance with relevant federal, state, and local air quality regulations.*

**Primary Issue: Biological Resources**

- Characterization of terrestrial and aquatic communities and populations potentially affected by project construction and operation.
- Project construction effects (habitat reduction/fragmentation, increased human presence and traffic).
- Impacts from above-ground project components on raptor collisions, electrocution hazards.
- Effects of groundwater withdrawal on viability and extent of groundwater and surface water terrestrial, aquatic, and cave-dwelling species population and associated habitat.
- Identification of biological resource monitoring and mitigation, including assignment of financial responsibility and management, during and after project construction.

**Response:** *The direct and indirect effects of the Proposed Action and alternatives on biological resources, including threatened, endangered, and candidate species in the affected environment, will be addressed in the EIS.*

**Primary Issue: Geology, Soils, and Minerals**

- Effects of short- and long-term groundwater withdrawal on cave formation processes, watershed health, and subsidence, fissuring, degradation of hydrological properties, seismic instability leading to earthquakes, and structural damage to basin aquifers.
- Protection of paleontological resources.

**Response:** *The direct and indirect effects of the Proposed Action and alternatives on geology, soils, and mineral resources in the affected environment, will be addressed in the EIS.*



**Primary Issue: Water Resources**

- Effects of water development on aquifers present in and down gradient of proposed pumping.
- Effects of water development on the quantity, distribution, and quality of surface water in and down gradient of the proposed pumping areas and the potential to adversely affect current uses of ground and surface waters
- Effects on water rights present in the project area.

**Response:** *The direct and indirect effects of the Proposed Action and alternatives on water resources in the affected environment will be addressed in the EIS. Although the impacts on water resources from the Proposed Action are appropriate to evaluate in the EIS, the BLM does not have the authority to make decisions regarding water rights. Water rights are subject to state authority under the Nevada State Engineer.*

### **3.3 Summary of Future Steps**

The next formal comment period will open when the Draft EIS is published. The availability of the Draft EIS will be announced by publication of a notice in the *Federal Register*, as well as other media, such as local print and broadcast media. In addition, the BLM will circulate a notice of the availability of the Draft EIS to interested parties included in the project mailing list. Following release of the Draft EIS, there will be a 60-day public comment period and additional public meetings to receive comments on the Draft EIS.

Following the comment period, the Final EIS will be prepared. The Final EIS will consider and incorporate any other comments received during the review period. The availability of the Final EIS will be announced by publication of a notice in the *Federal Register*, at which time a 30-day public review period will commence. The final opportunity for public comment on the EIS will be this 30-day public review period. No sooner than 30 days after publication of the Final EIS, the Secretary of the Interior will issue a Record of Decision (ROD). The ROD would explain all factors, including environmental impacts that the BLM considered in reaching its decision. The ROD will also identify the environmentally preferred alternative, or alternatives. If mitigation measures, monitoring, or other conditions are adopted as part of the BLM's decision, these would be summarized in the ROD, as applicable.